

Remarks

Applicants' remarks address each issue raised in the office action of June 15, 2006, and are presented in the same order.

Claim Rejections – 35 USC § 102

Reconsideration of the rejection of claims 1-5, 7-9 and 11 as anticipated by U.S. Patent No. 5,153,828 (Inoue et al.) is requested in view of the amendment made to claim 1.

Claim 1 has been amended to further define that the historical data and current data is "procedure" data. The amendment defines that the data collected and analyzed by the controller are data points created during the drainage procedure, as opposed to some other data information collected at points not occurring and not pertaining to the procedure. Support for the amendment can be found in the specification at page 10, lines 6-8 and page 12, lines 16-16-18, among other passages.

The amendment distinguishes claim 1 and all dependent claims from Inoue et al. Based on the description at column 8, lines 29-55, the system of the '828 patent appears to use only one piece of data collected during the procedure: "the collected blood measured amount". Rather than comparing that data to other data points earlier collected during the procedure, it uses the collected blood amount in a formula to calculate the "yet-to-be-collected amount". The other values used in that formula are not data points from the procedure but rather are:

A user defined set point – "set blood collection amount"

A constant value measured before procedure – "previously registered weight" (of bag)

A constant, inherent property of blood – "specific gravity"

Accordingly, because the '828 patent does not disclose a system configured to compare historical procedure data with current procedure data collected from a fluid

collection suction pathway, it should not be considered to anticipate the claims of the present application. Reconsideration is requested.

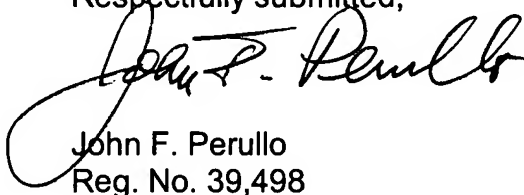
Claim Rejections – 35 USC § 103

Applicants request reconsideration of the rejection of claims 6, 10 and 12 as obvious because each obviousness rejection relies, at least in part, on the disclosure of the '828 patent, each rejection is now untenable in view of the amendments to claim 1 and claim 12 further defining "data" to be "procedure data". Inoue should not be considered to provide a teaching of those newly amended elements of the claims as explained above. Accordingly, the rejections relying on a combination with Inoue should be withdrawn.

Reconsideration of the obviousness rejections based on the foregoing is requested.

Authorization is granted to apply the surcharge amount of \$1020.00 for late filing of this Amendment to **Deposit Account No. 50-3067**. Any additional debits or credits in connection with this filing may also be applied to that deposit account.

Respectfully submitted,



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